

INTERNET  
FORM NLRB-501  
(2-08)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER****DO NOT WRITE IN THIS SPACE**Case  
13-CA-234196Date Filed  
1/16/19**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                             |                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------|
| a. Name of Employer<br>Hospitality Logistics International                                                                                                                                                                                                                                                                                                                                                                                       |                                                             | b. Tel. No.<br>(704) 512-0960      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                             | c. Cell No.                        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                             | f. Fax No.                         |
| d. Address (Street, city, state, and ZIP code)<br>1580 S Milwaukee Ave<br>IL Libertyville 60048-_____                                                                                                                                                                                                                                                                                                                                            | e. Employer Representative<br>Rich Jabara<br>Vice President | g. e-Mail                          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                             | h. Number of workers employed<br>4 |
| i. Type of Establishment (factory, mine, wholesaler, etc.)                                                                                                                                                                                                                                                                                                                                                                                       | j. Identify principal product or service                    |                                    |
| k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. |                                                             |                                    |

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

--See additional page--

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b) (6), (b) (7)(C)

Title:

**4a. Address (Street and number, city, state, and ZIP code)**

(b) (6), (b) (7)(C)

4b. Tel. No.  
(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Gary Martoccio  
(signature of representative or person making charge)Gary Martoccio Esq.  
Title: Attorney  
(Print/type name and title or office, if any)Tel. No.  
(800) 965-1570

Office, if any, Cell No.

Fax No.  
(866) 580-7499e-Mail  
gary.martoccio@spielbergerlawgroup.com202 S Hoover Blvd  
Address Tampa FL 33609-352201/16/2019 14:32:49  
(date)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## Basis of the Charge

### 8(a)(3)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

| Name of employee discharged | Approximate date of discharge |
|-----------------------------|-------------------------------|
| (b) (6), (b) (7)(C)         | (b) (6), (b) (7) /2019        |

### 8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

| Name of employee discharged | Approximate date of discharge |
|-----------------------------|-------------------------------|
| (b) (6), (b) (7)(C)         | (b) (6), (b) (7) /2019        |

### 8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

| Name of employee discharged | Approximate date of discharge |
|-----------------------------|-------------------------------|
| (b) (6), (b) (7)(C)         | (b) (6), (b) (7) 2019         |



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341

February 25, 2019

(Via email service unless otherwise indicated)

(b) (6), (b) (7)(C)

Re: Hospitality Logistics International  
Case 13-CA-234196

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that Hospitality Logistics International has violated the National Labor Relations Act.

**Decision to Dismiss:** You have alleged that the Employer discharged you because you engaged in union and/or protected concerted activities, including discussing wages and working conditions. However, the evidence demonstrates that you worked as a manager of the Employer and, therefore your conduct was not protected under the Act.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at [www.nlrb.gov](http://www.nlrb.gov) and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **March 11, 2019**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 10, 2019. **If an appeal is postmarked or given to a**

**delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 11, 2019.** The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 11, 2019, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

*/s/ Peter Sung Ohr*

Peter Sung Ohr  
Regional Director

Enclosure

cc: **(b) (6), (b) (7)(C)**  
Hospitality Logistics International  
1580 S Milwaukee Ave  
Libertyville, IL 60048  
**(Via first class mail)**

Gary Martoccio, Esq., Attorney  
Spielberger Law Group  
202 S Hoover Blvd  
Tampa, FL 33609-3522

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

---

Case Name(s).

---

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

---

*(Signature)*



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, DC 20570

May 10, 2019

(b) (6), (b) (7)(C)

Re: Hospitality Logistics International  
Case 13-CA-234196

Dear (b) (6), (b) (7)(C):

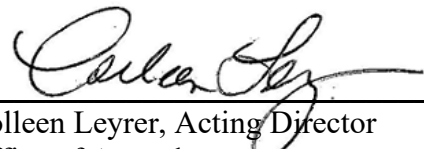
This is in reply to your motion for reconsideration of our denial of the appeal in this case. Upon a fresh review of the evidence, together with the contentions raised in your motion, it was concluded that a departure from our original decision is unwarranted.

Your charge alleged that the Employer unlawfully discharged you in retaliation for protesting terms and conditions of employment. The Regional Office's investigation disclosed that you worked (b)(6), (b)(7) for the Employer. Hence, your conduct was not protected by the National Labor Relations Act. In your motion for reconsideration of the denial of your appeal, you submitted additional evidence pertaining to your former job duties. However, this additional evidence does not change the determination that you were (b)(6), (b)(7) employee.

Accordingly, further proceedings on the captioned charge are unwarranted.

Sincerely,  
Peter Barr Robb  
General Counsel

By:

  
Colleen Leyrer, Acting Director  
Office of Appeals

cc: PETER SUNG OHR  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS  
BOARD  
DIRKSEN FEDERAL BLDING  
219 S DEARBORN ST STE 808  
CHICAGO, IL 60604-2027

(b) (6), (b) (7)(C)  
HOSPITALITY LOGISTICS  
INTERNATIONAL  
1580 S MILWAUKEE AVE  
LIBERTYVILLE, IL 60048

kh